

II. Remarks

Reconsideration and re-examination of this application in view of the following remarks is herein respectfully requested.

Applicants would like to thank the examiner for the interview conducted on April 28, 2009. The undersigned and the examiner discussed the claims and the combination of references. Certain differences between the prior art and instant application were noted. Further, the examiner said that he would further consider the arguments provided herein.

Claim Rejections - 35 U.S.C. §103

Claims 1, 4-5, 8-20, 22, 23, 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,695,813 to Boyle (Boyle) in view of U.S. Patent No. 5,681,347 to Cathcart, et al. (Cathcart) in view of U.S. Patent No. 4,832,055 to Palestrant (Palestrant) and in view of U.S. Patent No. 5,486,183 to Middleman et al. (Middleman).

Independent claims 1 and 22 recite that the elongate control member is a flexible cannula defining a lumen extending therethrough into which a guide wire is receivable. However, none of Cathcart, Boyle, Palestrant, or Middleman teach this element. Claims 4-5, 8-20, 23, and 24 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

In addition, the examiner relies on Palestrant to teach loops that overlap and are equally spaced angularly about the elongate control member. However, Palestrant is directed to a filter device, not a grasper, which is deployed into a vessel to occlude the passage of blood clots. The filter has wire struts that are equally

spaced about a core wire. The struts are twisted to form a mesh. The mesh then acts to obstruct a blood clot from flowing past the filter.

The examiner contends likens the struts to loops, however, the struts do not have a radius that expands to overlap adjacent loops as the struts are urged distally from the distal end. In addition, the radius of each strut does not decrease to tighten around the object as the struts are retracted into the outer sheath. As such, the examiner's combination of Palestrant with the loops of Middleman is improper. As described above, Palestrant operates in an altogether different manner than the loops in Middleman. Therefore, even though Palestrant may have equally spaced struts, it does not teach or suggest modifying Middleman to have loops that are equally spaced angularly around an elongate control member. Since the combination of Palestrant and Middleman is improper, claims 1, 4-5, 8-20, 22, 23, 24 are patentable for at least these reasons as well.

Claims 6 and 7 were rejected under 35 U.S.C. §103(a) as being unpatentable over the references above in view of U.S. Patent No. 5,484,444 to Braunschweiler et al. (Braunschweiler).

Claims 6 and 7 depend from claim 1 and are, therefore, patentable for at least the same reason as given above in support of claim 1.

New Claim 25

New claim 25 depends from claim 1 and is therefore patentable for at least the same reasons as given above in support of claim 1.

Further, claim 25 recites that the grasping portion comprises four preformed wire loops, wire segments of the loops being initially oriented axially to the elongate control member, the wire segments deflecting radially and diverging from one

another as the four preformed wire loops begin to open, the four preformed wire loops self-deploy transversely from said distal end of said outer sheath, said four preformed wire loops after self-deploying transversely are approximately equally spaced angularly about a longitudinal axis of said elongate control member and thereby generally occupy a full cross-section of a vessel into which the grasping device is inserted. The cited references do not teach each of these elements.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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